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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/903,022

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Yuri Shtivelman

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12/08/2005

CENTRAL COAST PATENT AGENCY

PO BOX 187

AROMAS, CA 95004

EXAMINER

NGUYEN, STEVEN H D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/903,022

Applicant(s)

SHTIVELMAN ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 18-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18, 20, 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonnby (USP 6320857).

Regarding claim 18, Tonnby discloses a call waiting system comprising an Internet-connected service system (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to an indication at the service system of a call for the user, said service system generates an alert to the user's Internet appliance of the call (Col. 5, lines 15-65), and provides at least a mechanism for the user to transfer the call to another destination (Col. 5, lines 51-63).

Regarding claim 20, Tonnby discloses a call-waiting system, comprising an Internet-connected service system (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for

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providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of calls for the user, said service system generates alerts to the user's Internet appliance of the calls (Col. 2, lines 56-67 and Col. 5, lines 15-65), and provides at least a mechanism for the user to interface with the calls (Col. 2, lines 56-67 and Col. 5, lines 15-65).

Regarding claim 22, Tonnby discloses a call-waiting system comprising an Internet-connected service system (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of a call for the user, said service system generates an alert to the user's Internet appliance of the call (Col. 5, lines 15-65), and additionally provides a mechanism for the user to initiate outgoing calls (Col. 2, lines 56-67 and Col. 6, lines 4-24).

Regarding claim 24, Tonnby discloses a call-waiting system comprising an Internet-connected service system (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of a call for the user, said service system generates an alert to

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the user's Internet appliance of the call (Col. 5, lines 15-65), and the user's appliance causes a pre-recorded message to be played to the caller (Col. 5, lines 15-65).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 19, 21, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby (USP 6320857).

Regarding claims 19, 21, 23 and 25, Tonnby fails to the user's appliance presents an alert or alerts as an icon or icons on a display of the appliance, and the mechanism for the user to transfer a call comprises the user manipulating the icon or icons; initiate an outgoing call comprises the user manipulating individual ones of the icons and the icon is manipulated by the appliance to indicate to the user to indicate characteristic status of the incoming call. However,

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the examiner takes an official notice that a method and system for using at least one icons for displaying a message and allowing the user to click on at least one icons to transfer a call to another location or number; using icon to allow the user to click on when dials an entered number for outgoing call and using icon to indicate to the user the status of incoming call are well known and expected in the art at the time of invention was made to implement a function into a icon, button or hyper-link to allow the user to click on it in order to execute the function that embedded into the icon into the teaching of Tonnby. The motivation would have been to provide a friendly GUI to a user.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wolff (USP 5327486) discloses a method and system for altering the user of incoming calls and allowing the user to transfer the call.

Burg (USP 6219413) discloses a method and system a method and system for altering the user of incoming calls and allowing the user to accept, reply or reject the call.

Giordano (USP 6285364) discloses a GUI for allowing the user to receive or forward and incoming call, make outgoing call.

Foladare (USP 5982774) discloses a method and system a method and system for altering the user of incoming calls and allowing the user to accept or reject the call.

Benson (USP 6104800) discloses a method and system for altering the user of incoming calls and allowing the user to transfer or accept or reject the call.

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Tonnby (USP 6515996) discloses a method and system for altering the user of incoming calls and allowing the user to transfer or accept or reject the call.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'SHN', with a long horizontal stroke extending to the right.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
December 1, 2005